



## **SPECIAL COMMON COUNCIL MEETING**

**September 6, 2011**

**6:00 P.M.**

### **Regular Meeting**

The Special meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Tuesday, September 6, 2011 at 6 p.m.

### **Present**

Deputy Mayor Joseph E. Bibisi, Council members: Thomas J. Serra, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, David Bauer, and Daniel T. Drew; Sergeant-at-arms, Acting Chief of Police Patrick McMahon; and Common Council Clerk Marie O. Norwood

### **Absent**

Mayor Sebastian N. Giuliano and Corporation Counsel William Howard

### **Also Present**

Bond Counsel, Attorney Joseph Fasi, Public Works Director Bill Russo, Finance Director Carl Erlacher, Central Communications Director Wayne Bartolotta, Water and Sewer Director Guy Russo, Director of IT William Oliver, Planning, Conservation, and Development Director Bill Warner, Acting Parking Director Roger Beliveau, Health Director Joseph Havlicek, Acting City Attorney Timothy Lynch, and Emergency Management Director Bruce Driska, and 7 members of the public.

### **Meeting Called to Order**

The Acting Chair calls the meeting to order at 6:05 p.m. and asks Councilman Bauer to lead the public in the pledge of Allegiance.

### **Call of Meeting Read**

The Call of the meeting is read and accepted. The Deputy Mayor declares this call a legal call and the meeting a legal meeting.

### **Workshop Opens**

The Acting Chair opens Questions to Directors workshop at 6:07 p.m.

Acting Chair Bibisi asks that Acting City Attorney Lynch and Director of Public Works to come forward regarding the \$300,000 for the theater. Attorney Lynch states the City went to Court with Mr. Salvatore and the Judge ordered demolition to begin by October 13 and completed by December 30 and if it doesn't start on the 15th, the City should go in and demolish it. The Acting Chair states a year ago it was inspected and code enforcement and the roof had caved in and they found the shell empty and the south side wall was bowing. He asks the estimate of the height of the wall. It's about 80 feet. Attorney Lynch responds yes; it is the bus terminal side and if it collapses, it would be there. Acting Chair Bibisi states we went to court. Attorney Lynch replies the City went to court two years ago; the Building Official gave the owner an order to demolish it and he said he would and they had a written agreement having it down by June. The Acting Chair states he has lied for over two years. Due to the hazardous condition, Public Works would like it down. The Acting City Attorney states they would like it removed before Christmas shopping and to take it down, scaffolding has to go up and they want to limit the impact on Melilli. Acting Chair Bibisi asks who does the clean up. Attorney Lynch responds the City and we will put a lien on the property to get our costs back out.

Councilman Serra states two concerns; the first when the City deems something unsafe and you are acknowledging it unsafe are we partners if something happens. Attorney Lynch replies if we fail to take action and are aware of the condition, we could be held responsible. Councilman Serra states we have acknowledge it was a safety issue and why didn't we just do it. Attorney Lynch replies the chief building official decided this path and to take him to court. We would likely face some sort of claim, but not held responsible. Councilman Serra states it is unfortunate; we still have a month before we can act. He asks if in the framework everything has been taken care of like hazardous material and the tanks. Attorney Lynch replies if we do the demolition, we will be responsible for it. Councilman Serra states if the owner tears it down, does he pay for everything. Attorney Lynch responds yes. Councilman Serra states if he doesn't, we bill him. Attorney Lynch responds yes.

Councilman Bauer states there is a disparity between the authorization and the resolution that states \$222,000. Mr. Russo responds the current estimate and the abatement the resolution should be not to exceed \$300,000. Mr. Russo states he would rather be on the high side. Councilman Bauer states you are the supervisor of the chief building official and did you have a view on which way to go; Mr. Russo replies it came to us from the Economic Development Commission beginning of July and we were told to follow the process and it has been in court for over two years and it is a catch 22 for us and the drop dead date is October 16 and everything will be in place. Councilman Bauer states were you part of the decision to let this go in court. Mr. Russo responds John reports to me and with it in court, we had to proceed carefully and we were told to remove it and we will. Councilman Bauer asks the north end parking lot; has it come to your department. Mr. Russo states the deputy director did all the estimates for Bill Warner's office. Councilman Bauer asks about the design work; Mr. Russo states you should ask Bill Warner on that and it was removed from the bond.

The Acting Chair recognizes Councilwoman Kleckowski who states her light is not on. The Acting Chair recognizes Councilman Klattenberg. Councilman Klattenberg states he has a question on the court order; is there something different on the language that makes it more onerous for the owner if he were not to act; is there a consequence. It states the City is the only one that will go in and do it. Acting City Attorney Lynch states he would like to address the concern that they proceeded through the court. John Parker could have asked for the \$300,000 last year, but it is private property and they should be held responsible for addressing it. Councilman Klattenberg states he understands that the first process is not for the City to come up with the money first. Attorney Lynch responds yes. Councilman Klattenberg states his first question is his vote on the appropriation and voting on it this evening and if there is some leverage and if he has a company in place and if he has a signed contract and if they were not to act, we have another meeting beginning in October and we could act. Attorney Lynch states we do have the advertising requirement of 15 days after approval and there is concern to get the project finished prior to Christmas shopping. Councilman Klattenberg states this is so everything is in place. Acting Chair Bibisi states to do 20 Portland Street, it took months; does this have historical value at all. Attorney Lynch states he doesn't know; Acting Chair Bibisi states if it does we would need permits. Attorney Lynch states it would be cheaper for him because his contract is less than what ours is.

Councilman Serra asks if the resolution needs to be amended relative to dates; Attorney Lynch replies amend the resolution for the amount. Councilman Serra asks about the dates. Attorney Lynch states the City's date, October 16 is the go date and if the resolution says the City takes action on date certain, but he doesn't recall if the resolution was that specific. Councilman Serra states with our designating it unsafe and we should have gone and had the owner pay. This is a well traveled area; is there in law when you publicly say it is unsafe, are you partly responsible. Attorney Lynch replies it is private property and it is their concern. Councilman Serra states hopefully we get it done and nothing happens. Councilman Bauer states it was brought up about the historical elements; would it in fact a clear public danger obviate the process for historical permits. Attorney Lynch states it is still a process that has to be done and hopefully he has done it. He has started the utility work. Councilman Bauer states we can be fining private property owners if they don't cut the grass, did we pursue any fines. Attorney Lynch responds absolutely and he hopes they will collect them. Councilman Bauer asks what are the fines. Attorney Lynch responds there is a set fine and not like health code. Councilman Bauer states that is small to the amount of money the municipal employees invested in this issue. Did we get to assign any permit fees, some way to recoup the costs. Attorney Lynch replies the City permits will have to be paid. Councilman Bauer asks if the City does it, will we get those. Attorney Lynch states anything is recoverable if we do it.

#### Noted for the Record

Councilman Pessina takes his seat at 6:23 p.m.

Councilman Serra asks to address questions to Personnel; the Acting Chair states Personnel is not here this evening.

Councilman Serra asks for Carl Erlacher, Director of Finance. Councilman Serra states there are a number of millions of dollars we are going to be sending out to bonding; what is the overview on debt service and how does this work out for future budgets. Mr. Erlacher responds you have \$14.1 million and that is just authorizing a road bond and we will not borrow the entire amount this spring. Mattabassett is \$13 million and originally it was negotiated as two installments; however the State legislative act calls for it to be all paid up front and going out to bond we will take on approximately \$15.8 million in bonds; \$15 million is general bonds and \$800,000 is the Fire

Department. It would be interest only on the next budget and it would be around \$700,000. We also have last year's bond for \$8.9 million and we will have to make the next principal payment \$675,000. Councilman Serra asks if something is coming off; Mr. Erlacher responds it will be \$1.4 million or 4/10 of a mill and the average home owner, it would be \$60 to \$70 dollars. Councilman Serra states all of this and all the other for infrastructure is \$1.4 million. Mr. Erlacher says yes, an increase of the general bond. The buy-in for Mattabassett does not have anything to do with the demolition of the old station. That is not out to bid and will qualify for the 2% loan from the State; he doesn't know when it will take place. Councilman Serra states that is \$1 million; Mr. Erlacher responds it is attributable to the Sewer Dept. It could fall under the next budget. Councilman Serra responds it is \$2.4 million. Mr. Erlacher responds \$1.4 for general and \$1 million for sewer. Councilman Serra states to be clear we are talking about total \$2.4 million. Mr. Erlacher responds the last will be done with user fees. Councilman Serra states nothing comes off. Mr. Erlacher replies we retire \$10 million a year. We took \$10 million off and put \$15 million more on and we will be at \$78 million and per capita it is about \$1,700 to \$1,800 per household. Councilman Serra states are we low for per capita debt; Mr. Erlacher responds yes. Councilman Serra asks if we could handle this. Can we. Mr. Erlacher responds we are under orders by the State; we could build a \$60 million facility, so this is better.

Councilman Bauer asks as a taxpayer, I am concerned; we have one bond issue concerning Mattabassett and the other part is not in front of us and as a taxpayer he would like to analyze the two together because of potential effects.

#### Noted for the Record

Councilman Streeto takes his seat at 6:30 p.m.

Councilman Bauer continues the taxpayers ought to know what the Plan B is and how it would impact the Water and Sewer customers. Is there a comparative analysis to join Mattabassett or continuing our sewer operations alone. Mr. Erlacher states the \$13 million buy-in we need to proceed now because we pledged to do that and to let Mattabassett know we are moving forward. The number was thrown around at \$60 million to build our own and if he knew the exact numbers he could do the analysis. Councilman Bauer states getting our riverfront is a wash, but the difference between the decommissioning and upgrading a plant the absolute minimum is a delta of \$30 million so when the Councilman asked about the impact on bonding, Plan A is \$20 million better than Plan B and when we talk to the voters, he hopes they have a reasonable analysis of this. Mr. Erlacher states it is more complicated than that because they need upgrades at that facility and the State is only giving a certain sum of dollars and we would take a hair cut on our reimbursement as well as Mattabassett. Councilman Bauer states that is on the Plan B side; my \$20 or \$30 million keeps getting worse for Plan B. I want to rely on the experts in the City for useful facts to educate the voters.

The Acting Chair recognizes Councilman Klattenberg who says not for this director. The Acting Chair asks if there are additional questions to this director; seeing no questions for the Finance Director, the Acting Chair recognizes Councilman Klattenberg who asks to address the Public Works Director. He states the bond we have for infrastructure improvements, there were a couple of items on the list for this bond and he already spoke to Attorney Fasi about the parking lot at Eckersley Hall but he understands there are structural problems with the patio, but he doesn't see it on it. Mr. Russo responds those two projects need to be done and Eckersley Hall and the patio could not be included on this road bond. Councilman Klattenberg states he understands the position on Eckersley Hall, but doesn't understand why City Hall can't be included.

Attorney Fasi comes forward and states as he explained to Councilman Klattenberg earlier, the bond questions that are put forth to the public have to be within general categories and to mix in unrelated projects is called a log roll up; log rolling is putting in different projects and people compromise the vote because there are certain aspects they want done and not others; it is combining questions to obtain passage and they avoid that by keeping projects in categories. This is a road and sidewalks. So anything Public Works can be in this bond. Councilman Klattenberg disagrees because we have \$300,000 for City yard improvements and it falls out of the theme and intent for the spending of this bond and he says a pavement management system also falls out of the concrete, tar, and paving.

#### Noted for the Record

Councilman Faulkner takes his seat at 6:37 p.m.

Councilman Klattenberg continues even a GIS upgrade so fixing the patio is more in line than a GIS upgrade. Attorney Fasi states many towns mandate a road management system and the GIS system falls within a similar

category that tells you where your infrastructure is. The pavement management is the computer program and when he saw it on the list and it is road related; it is road design, upkeep and maintenance. The City yard is a public works facility where they keep their equipment. Councilman Klattenberg asks if it can be called an infrastructure bonds but that does not give license to pull in projects of a similar category. Attorney Fasi states I respect your opinion as to what should be related to a public works facility but believes the decisions made were appropriate. Councilman Klattenberg states City Hall is a public works facility. Attorney Fasi states it is City Hall.

Councilman Bauer is recognized by the Acting Chair and states not for this director; for the Sergeant-at-arms. Acting Chief of Police McMahon comes forward. Councilman Bauer wants to refer to the north end parking lot and he recalls you had quite a part in determining the lighting and security of the parking lot at Melilli; have you done the same with the north end parking lot. Acting Chief McMahon states they offered their input and he has seen schematics and when they decide to build it, they are just acquiring the property and he will look at lighting. Councilman Bauer states you have not done it as yet.

Councilman Faulkner asks if you have an opinion on the lot being proposed in terms of security and things of that nature. Acting Chief McMahon states as a north end resident, it is much needed and if it is done right, you couldn't find a better place. Councilman Faulkner asks from a security stand point; we hear a lot about the other parking lot and one problem at the arcade is that it is not appealing because they would not feel save going into it. Acting Chief McMahon responds it is designed for a specific reason and it is for customers and having a parking lot there it is safer. It is designed for the businesses up there. Councilman Faulkner states you have not been consulted. Acting Chief McMahon respond no he has not been asked.

Councilman Bauer asks for the Parking Director; Roger Beliveau, Acting Parking Director, and he comes forward. Councilman Bauer asks your predecessor when Melilli was being done, he had a lot of input on metering and parking technology and have you been involved. Mr. Beliveau responds no, not at this point.

Councilman Pessina asks for Director Warner. He states in reference to the parking lot, he truly believes with the growth of the businesses, it is needed and for the reasons Councilman Bauer talked about security and public access; there is a piece of history up there the old trolley car barn; any time you take a piece of history away. Mr. Warner responds we are not touching that at all. He states we are trying to enhance it by opening it up and providing parking. Councilman Pessina states that is good because he had calls on this. He doesn't want to see anything in the City that is historical hurt. This is a great project for the north end and part of the revitalization.

Councilman Serra asks for the Personnel Department; Personnel is not here. He wanted a clarification on the workshop they had relative to elimination of Consumer Protection and the Council was under impression a job description was to be written and then the Council would look at the job description to see where ADA would go. He states there is an e-mail saying it went to Human Relations with the Council recommending that and the Council did not recommend it as yet and he wondered why that was done. It was to be a first draft of a job description with the Municipal Agent and ADA and he wanted to know why it occurred. The Mayor comes forward to respond and states it had to go someplace and it is an acting assignment. Councilman Serra states it is an acting assignment. The Mayor states it is acting and during this process the job description will be adopted but for now someone needs to receive the calls and the Human Relation Director will receive them and forward them to the appropriate department. General questions will probably get referred. Councilman Serra asks if there is additional compensation. The Mayor responds it is akin to what she is doing now. Councilman Serra asks if the clerk was doing it. The Mayor replies she is fielding calls.

Councilman Pessina asks the Mayor so he understands, calls come to the director and she filters them out. The Mayor responds the calls go to the secretary; she used to field the calls for Consumer Protection and ADA. It was a clearing house for the calls and Phil would deal with the aspects or refer to the official in City Hall that was appropriate to handle it. Right now ADA will go to Human Relations, Consumer Protection will go to the clerk. Councilman Pessina states that is his concern; we did not want to see any disruption in services if they had ADA concerns. The Mayor states she will pick up the liaison to the Committee Concerning People with Disabilities; Personnel tried to do that, but it is not a personnel issue. It is more of an outside contact issue. Councilman Pessina states he just wanted to make sure we did not lose something. The Mayor states Phil went way beyond

the call of duty; he took care of things not in the job description. A lot of the things not in the description, they are trying to find a home for.

**Motion to Adjourn**

Councilman Klattenberg moves to adjourn and is seconded by Councilman Drew. The vote is called and it is unanimous to adjourn. The Acting Chair declares the meeting adjourned at 6:51 p.m.

ATTEST:

MARIE O NORWOOD  
Common Council Clerk